

Application No.: 09/867,766

REMARKS

As a preliminary matter, it is noted that the Examiner again did not yet acknowledge the Information Disclosure Statement and cited art (i.e., U.S. Patent No. 6,006,354 and U.S. Patent No. 4,905,142) filed on May 31, 2001. Accordingly, the Examiner is again respectfully requested to acknowledge said prior art by initialing the corresponding PTO-1449 form and returning a copy to Applicants to ensure the cited references are considered and made of record.

Claims 1 and 5 stand rejected under 35 U.S.C. § 103 as being unpatentable over Hartung et al. in view of AAPA and Milios et al.. This rejection is respectfully traversed for the following reasons.

Each of claims 1 and 5 recite in the last clause: "wherein the plural redundancy check data and each of the corresponding plural confidential data are stored at mutually **different** addresses on the ROM." The Examiner relies on Figure 2 of Hartung et al. as allegedly disclosing this feature. However, as expressly disclosed by Hartung et al., the "data" and corresponding "CRC" are stored together in the same address. Indeed, on page 4, paragraph 8, last line, of the outstanding Office Action, the Examiner appears to admit that the data and CRC are stored in the same address.

It appears the Examiner may have also taken the position that different locations of the same address can be interpreted as different addresses. This interpretation, if taken, is respectfully traversed. As would be recognized in the art, an address is similar to a house address to which one would mail something. Although the house has different locations therein (bedroom, bathroom, kitchen, etc.), all those locations are designated with the same address. Similarly, the different bit locations of the "data" and corresponding "CRC" of Hartung et al. are

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within the same address. Indeed, col. 3, lines 40-43 of Hartung et al. expressly references the alleged "data" and corresponding "CRC as being stored in a common address 23.

During a telephone interview, the Examiner suggested that even assuming Hartung et al. does not disclose the alleged plural redundancy check data and each of the corresponding plural confidential data being stored at mutually different addresses on the ROM, such a configuration would have been obvious in view of currently uncited prior art. If the Examiner takes this position, he is respectfully requested to issue a new non-final Office Action with any alleged new prior art teachings so that Applicants can fully address such a new ground of rejection. In this regard, the Examiner is reminded of the stringent requirements of establishing obviousness under § 103 (motivation from prior art, improved-results rebuttal, etc.). To help the Examiner better appreciate the novel and non-obvious nature of the present invention, attached hereto is an Exhibit illustrating the new and unexpected results that can be derived from the novel **combination** of elements recited in claims 1 and 5.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (citing *In re Royka*, 180 USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish *prima facie* obviousness of [the] claimed invention" as recited in claims 1 and 5 because the proposed combination fails the "all the claim limitations" standard required under § 103.

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Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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